

**BEST AVAILABLE COPY**

Attorney Docket # 5016-2

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Yisroel LEFKOWITZ

Serial No.: 09/729,984

Filed: December 5, 2000

For: Method and Apparatus for Selling International  
Travel Tickets in Combination with Duty Free  
Goods

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**DECLARATION**

SIR,

The undersigned, Nadir Medjkoune, hereby declares as follows:

1. I am the founder and current Director of Air Shop srl ("Air Shop"), and have held that position for approximately the past five years.
2. I make this statement in support of the patentability of the above-captioned application.
3. Air Shop is in the business of operating duty-free concessions on-board airlines, and currently operates such concessions on board eight different European airlines. Before establishing Air Shop, I worked for five years with Corsair, one of the largest airlines in France,

C:\Documents and Settings\abdeln\Local Settings\Temporary Internet Files\01X\10\5016-2-Medjkoune\Declaration2.doc

24 mars  
03 mars

and served as its duty free director. Gaining all the knowledge of the duty free industry, I set up my own company, Air Shop, to utilize that knowledge and expertise. During my ten years of experience in the duty-free industry, I have seen its growth and development into a sophisticated and complex industry, with many savvy and experienced individuals, all of whom work with an eye towards maximizing the profitability of their duty-free enterprises.

4. I have reviewed at least claims 11 and 76 of the above-captioned application, United States Patent No. 5,732,398 ("Tagawa"), the publication entitled "Air France Corrects and Replaces Previous Announcement" dated January 23, 1996 ("Air France") and the publication entitled "Golden Boutique Set to Boost MAS Revenue" dated August 26, 1995 ("Golden Boutique").

5. Based on my experience, and in light of my extensive knowledge of the field of duty-free shopping, I am of the opinion that the invention as claimed in the above-captioned application is not obvious in light of the Tagawa patent, alone or in combination with either or both of the Air France and Golden Boutique publications as those publications would be understood by one of ordinary skill in the art.

6. In my experience, one of ordinary skill in the art of duty-free shopping as of the date the above-captioned application was filed (i.e., as of December 5, 2000) would be someone who has worked in the field of duty-free shopping for at least 3 years, and need not be someone with any degree or formal education in the field. Such a person would be familiar with the ways in which duty-free items are sold to ordinary consumers, typically international travelers.

7. In December, 2000, duty-free items were sold predominately through shops in airports, or other international points of embarkation and on airplanes. Sales of duty-free items could only lawfully take place where the purchaser was leaving the country in which the purchase was being

made, with no opportunity to return from the airport to the country without first leaving the country.

8. In December, 2000, there was a long-felt need and desire in the industry to increase sales, as there is in any industry, but sales were limited by virtue of the legal restrictions on the sale of duty-free items only to those who were already planning on leaving the country. Many people tried to increase sales through various methods, such as advertising, promotion and other traditional sales techniques (e.g., "specials" and the like) but no one had thought to combine the sales of duty-free items with international travel tickets, so as to provide the means to purchase the duty-free item as is claimed in the above-captioned application. This combination of duty free purchase and international travel ticket has the benefit of increasing sales of not only the duty-free items, but also of otherwise unsold international airline tickets, which provided a benefit to the sellers of duty free items as well as the airlines, which was not contemplated by those of ordinary skill in the "duty-free selling" art in December, 2000.

9. I also note that airlines, which are the largest holders of otherwise unsold international travel tickets, have sold duty-free items on their planes for many decades. However, airlines never linked the sale of specific airline tickets to specific duty-free items to boost the sales of either product. In light of my personal experience of working at Corsair, one of the largest French airlines, I have seen the duty-free operations at a major airline first-hand.

10. In my opinion, in December, 2000, it was considered very surprising in the industry to offer a combination of a specific international travel ticket and a specific duty-free item, and it was only in hindsight that those of ordinary skill in the industry recognized the benefits afforded by the combination presented by the invention as claimed in the above-captioned application.

11. In my opinion, one of ordinary skill in the art would have had no motivation to combine the teachings of the Tagawa patent, the Air France publication and the Golden Boutique publication, since there is nothing in those references which even remotely touches on the benefits of the combination claimed in the above-captioned application, and, even if one of ordinary skill in the art would have attempted to combine the teachings of those references, the resulting combination would not have resulted in the inventions as actually claimed in the above-captioned application.

12. Tagawa simply teaches an electronic kiosk for providing access to multiple vendors through a single location, but does not teach the linking of the sales of duty-free items and international travel tickets to one another.

13. The Air France publication does not teach the linking, and neither does the Golden Boutique publication.

14. In sum, nowhere in the art is it shown to link the sale of a specific international travel ticket with a specific duty-free item at a cost lower than that of at least one of the two items sold alone, to increase sales of either or both items as claimed in the above-captioned application. This was a remarkable and surprising combination that was unknown in the industry prior to December 5, 2000.

15. I make this statement freely and without compensation. I also have no interest in the above-captioned application, in any patent which may issue thereon and/or in any business which may benefit from the grant of a patent on the above-captioned application.

16. The statements made herein are true to my own knowledge, except for those statements made upon information and belief, which statements are believed to be true based upon my reasonable investigation into the matter stated

17. I understand that false statements and the like so made are punishable as perjury under the laws of the United States, and that making any false statement herein may jeopardize the validity of any patent which may issue based upon the instant application.

Respectfully submitted,

By

Nadi Medjokun

Dated: January 31, 2006

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☒ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**